IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

CRP.No. 282 of 2006()

AGAINST THE JUDGMENT IN CMA. NO.4/05 DT.16.12.05 OF THE SUB JUDGE , KOYILANDY AGAINST THE ORD IN IA. NO.304/04 IN OS. 27/2000 OF THE MUNSIFF-MAGISTRATE, PAYYOLI.

REVN. PETITIONER: IST RESPONDENT

NASEEMA, W/O.ABDUL RAHMAN,
AGED 34 YEARS, HOUSE WIFE, MADAYANKANDI HOUSE,
THRIKKOTTUR AMSOM, DESOM, KOYILANDY TALUK.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)

RESPONDENTS: APPELLANT & 2ND RESPONDENT

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1. **ISMAIL, S/O.MAMMAD,**
   AGED 34 YEARS, FISHARMAN, THEKKE MADAPPURAM,
   PUTHIYA VALAPPIL, THRIKKOTTUR AMSOM,
   DESOM, KOYILANDY TALUK.

2. **KUNHAMMAD, S/O.ABOOBACKER,**
   AGED 45 YEARS, FISHERMAN,
   MADAYANKANDI THAZHA HOUSE,
   DO. DO.

BY ADV. SRI.B.KRISHNAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

C.R.P.NO.282 OF 2006 (D)

Dated this the 21 th day of December, 2006.

ORDER

This petition is filed challenging the order in C.M.A.4/05, whereunder the application filed by the defendant to set aside the ex-parte decree, which was originally dismissed by learned Munsiff, was allowed on payment of cost of Rs.2,000/- and 25% of the decree amount on or before 16.1.06. Learned counsel appearing for respondent submitted that though learned Sub Judge, Quilandi directed defendants to deposit Rs.2,000/- as cost and 25% of the decree amount before the trial court, the amount was not deposited and the application to set aside the decree stands dismissed. As the ex-parte decree was not set aside, this revision petition is dismissed as infructuous.

M.SASIDHARAN NAMBIAR,
JUDGE.

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